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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,445	11/30/2004	Andrew Jamieson	2222.5970001	2996
26111 7590 12/07/2009 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
FRENEL, VANEL				
ART UNIT		PAPER NUMBER		
3687				
MAIL DATE		DELIVERY MODE		
12/07/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,445

Applicant(s)

JAMIESON, ANDREW

Examiner

VANEL FRENEL

Art Unit

3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/31/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Appeal Brief filed on 8/31/09. Claims 33-64 are pending.

2. In view of the Appeal Brief filed on 8/31/09 PROSECUTION IS HEREBY REOPENED as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options;

(1) file a reply under 37 C.F.R 1.111 (if this Office action is non-final) or a reply under 37 C.F.R 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 C.F.R 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 C.F.R 1.193) (b)(2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 33-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted prior art, Chameleon Network (WO 01/24123) in view of Lawlor et al. (6,202,054).

As per claims 33-64, Chameleon discloses a display device for a personal device to perform financial transactions as well as personal functions other than financial transactions, the display device comprising; a display for displaying information to a user (See Chameleon, Page 21, lines 1-19).

Chameleon does not explicitly disclose a financial transaction controller coupled to the display, wherein the financial transaction controller selectively allows the display and an input device to operate under the control of the personal device to enable personal functions other than financial transactions to be performed, and wherein the financial transaction controller assumes control of the display and the input device to prevent tampering with or tapping off of data entered into the input device or stored in the financial transaction controller during a financial transaction.

However, these features are known in the art, as evidenced by Lawlor. In particular, Lawlor suggests that the display having a financial transaction controller coupled to the display, wherein the financial transaction controller selectively allows the display and an input device to operate under the control of the personal device to enable personal functions other than financial transactions to be performed, and wherein the financial transaction controller assumes control of the display and the input device to prevent tampering with or tapping off of data entered into the input device or

stored in the financial transaction controller during a financial transaction (See Lawlor, Abstract, Figs.3, 5-6; Col.18, lines 35-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Lawlor within the system of Chameleon with the motivation of providing a highly advantageous system which offers an attractive proposition to a variety of participants in the payments system. Users of the invention save time and money and can pay their bills and obtain other banking services wherever there is a telephone jack. Banks save back-office expense and realize an efficient means to service their customers. Bank owned ATM networks generate volume and earn fees. Payees improve cash float and save on costly processing of paper checks. Advertisers gain a powerful, low-cost marketing tool (See Lawlor, Col.16, lines 20-28).

As per claim 34, Lawlor discloses the display device wherein the financial transaction controller is an electronic funds transfer point of sale (EFTPOS) controller that includes a processor, a display driver connected to the processor and a secure memory coupled to the processor, and wherein the secure memory stores secure data and the processor is coupled to the display by the display driver (See Lawlor, Col.6, lines 59-67 to Col.7, line 10).

As per claim 35, Lawlor discloses the display device wherein the personal device includes controlling electronics, and wherein the display device includes circuitry for

coupling the processor to the input device and the controlling electronics of the personal device (See Lawlor, Col.).

As per claim 36, Lawlor discloses the display device wherein the financial transaction controller is physically attached to the display (See Fig.1A).

As per claim 37, Lawlor discloses the display device wherein the financial transaction controller is integrated with the display (See Fig.1A of Lawlor).

As per claim 38, Lawlor discloses the display device wherein the financial transaction controller is integrated with the display by connecting the financial transaction controller to a printed circuit board (PCB) that includes a display driver for controlling the display (See Lawlor Fig.1A; Fig.3).

As per claim 39, Lawlor discloses the display device wherein the display is a liquid crystal display (LCD) having a glass face and the financial transaction controller is directly mounted onto the glass face of the LCD by a chip on glass process (See Lawlor; Fig.5 B; Col.8, lines 13-26).

As per claim 40, Lawlor discloses the display device wherein the display device is coupled to the controlling electronics of the personal device by a zero insertion force connector, and wherein disconnection of the display device from the controlling

electronics provides a trigger signal that causes data within the financial transaction controller to be erased to prevent unauthorized access of the data (See Fig.1A of Lawlor).

As per claim 41, Lawlor discloses the display device wherein a circuit loop- back in the zero insertion force connector provides the trigger signal to the financial transaction controller, and wherein the data includes a banking key (See Fig.1A of Lawlor).

As per claim 42, Lawlor discloses the display device wherein the input device is a keypad (See Lawlor; Col.8, lines 54-67).

As per claim 43, Lawlor discloses the display device wherein the financial transaction controller is an application specific integrated circuit (ASIC) (See Fig.1A of Lawlor)

As per claim 44, Lawlor discloses the display device wherein the financial transaction controller is a hybrid circuit (See Fig.1A of Lawlor).

As per claim 45, Lawlor discloses the display device wherein the financial transaction controller is configured to selectively control a plurality of different displays that may be used in different types of personal devices (See Fig.1A of Lawlor).

As per claim 46, Lawlor discloses the display device wherein the personal device includes a communication circuit for transmitting data relating to the financial transactions to a financial transaction network and for receiving data from the financial transaction network (See Fig. 1A of Lawlor).

As per claim 47, Lawlor discloses the display device wherein the personal device includes an input for activation by an operator to place the display device in a secure condition for performing a financial transaction (See Fig.1A of Lawlor).

Claims 49-53 and 56-61 recite the underlying process steps of the elements of claims 34-47, and respectively. As the various elements of claims 34-47 have been shown to be either disclosed by or obvious in view of the collective teachings of Chameleon and Lawlor, it is readily apparent that the apparatus disclosed by the applied prior art performs the recited underlying functions. As such, the limitations recited in claims 49-53, 56-61 are rejected for the same reasons given above for claims 34-47, and incorporated herein.

Response to Arguments

5. Applicant's arguments filed on 8/31/09 with respect to claims 33-64 have been fully considered but are moot in view of new ground (s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANEL FRENEL whose telephone number is (571)272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanel Frenel/

Primary Examiner, Art Unit 3687

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November 22, 2009